IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 678 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VIRAM KESAR MANKA

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 678 of 1997

MR G RAMAKRISHNAN for Appellant No.

MR PD BHATE Ld. APP for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 27/10/2004

ORAL JUDGEMENT

1. This appeal is preferred by the appellant under sec. 374(2) of the Code of Criminal Procedure, against

the judgment and order delivered by the ld. Addl. Sessions Judge, Kutchh at Bhuj, in Sessions Case No. 89/1995, whereby the present appellant came to be convicted for the offence punishable under sec. 366, 376, 344 and under sec. 323 of Indian Penal Code. For the offence punishable under sec. 376 of Indian Penal Code, the appellant was sentenced to undergo R/I for 7 years and fine of Rs. 1000/-, in default, to undergo 6 months S/I. For all other three offences proved against the appellant, punishment lesser than 7 years with fine imposed upon the appellant.

2. Ld. advocate Mr. Ramakrishnan for the appellant and ld. APP Mr. PD Bhate were heard.

3. Ld. APP Mr. Bhate places on record a letter addressed to him by the Sub Jailor, Central Jail, Ahmedabad and the communication dated 27.10.2004 indicating that after completion of punishment awarded to the appellant, he has been released from jail on 26.2.2000. Ld. APP also places on record jail remarks in respect of the appellant.

4. In the above view of the matter, when the sentenced awarded to the appellant is fully served upon him and since he has been released as long back as on 26.2.2000, this appeal has now become infructuous and is required to be disposed of accordingly.

5. In the result, this appeal stands disposed of as having become infructuous.

(J.R. VORA, J.)
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